

IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. APP (SJ) No.97 of 2006
SRI KRISHNA RAI @ KISHUN RAI @ MISTREE
Versus
STATE OF BIHAR

06. 24.03.2009 The sole appellant/petitioner filed the present appeal calling in question the judgment and order dated 31.01.2006 passed by Additional Sessions Judge, (Fast Track Court No.4), Samastipur in Sessions Trial No. 268 of 1999/48 of 2003 whereby he was found guilty and convicted under diverse Sections of Penal Code and sentenced to undergo R.I. for five years with fine.

I.A. No. 794 of 2008 has been filed. The said I.A. is supported by an affidavit affirmed by Satya Prakash Satyam son of the present appellant/petitioner. The prayer made in the said application is for disposing of the appeal as having been abated. Paragraph no. 3 and 4 of the said application reads thus:

“3. That the appellant died on 15.2.07 to this effect the death certificate was issued on 15.3.07 by the Secretary of Gram Panchayat Saban hua, Block Harnaut, Distt. Nalanda.

4. That as the aforesaid criminal Appeal is pending before it is duty of the deponent who is son of the appellant to

informed the court.”

Under order dated 16.05.2008 this court called for a report from Superintendent of Police Samastipur regarding the veracity of the statements made in the application (I.A. No. 794/2008). A report has been submitted to this court which is placed at Flag-B which is a letter bearing no.631 dated 03.03.2009 issued by the Superintendent of police Samastipur wherein aforesaid facts, on verification, appears to have been found true.

In the facts and circumstances, I.A. No. 794 of 2008 is allowed. CR.APP (SJ) No. 97/2006 stands abated and is accordingly disposed of.

Sym

(Kishore K. Mandal, J.)

